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APPROVAL OF UNDP ASSISTANCE TO A PROJECT OF NICARAGUA

IPF: (1992-1996) $ 19 700 000

(NIC/92/006) - Strengthening of the Judicial System

Date of approval by the AC: 1/	16 December 1992
Expected duration:	Three years
Proposed executing agency:	Government
Government implementing agency:	Nicaraguan Supreme Court of Justice
Proposed UNDP contribution:	$ 700 000 Source of funds: IPF
Third-party cost sharing:	$ 7 000 000 Source of funds: Sweden
Total UNDP budget:	$ 7 700 000

Project background

After a decade of political turmoil and continuous decline in GDP, the production level in Nicaragua fell well below that of 1980; and exports declined to about half of the 1980 level (approximately $200 million). In addition to reactivating the economy, President Chamorro's Government is pursuing the consolidation of post-war peace, democracy and the shift from a centralized economy to a market economy. It is evident that this process will not be complete without improvements in the judicial system, which up to now have been concentrated on the executive branch of the Government. There is a need to legalize land tenure of thousands of agricultural producers and permit their access to credit (based on land property guarantees), which require a working judicial system capable of implementing judicial decisions. The Supreme Court of Justice carried out an in-depth study of the situation of the judicial system in Nicaragua, establishing a technical commission and carrying out a survey of local and district judgeships, Appeals Courts, and Registration Offices which included an assessment of human and financial resources, as well as judicial/administrative procedures and practices.

In December 1991, the judicial system in Nicaragua was in the hands of 150 local judges, of which 90 percent had no professional degree and the majority had no secondary schooling. Furthermore, there is no judicial school. A significant portion of these judges are political appointees who operate in precarious conditions. Most of the local judges' offices have been destroyed during the war, or are in a severe state of deterioration; and the Government of Nicaragua does not have budgetary resources to repair them. Other problems include lack of trained resources, equipment, and bibliographic material. Also, an institute for forensic medicine does not exist, affecting the efficacy of research and judicial decisions relating to personal integrity and safety. Criminal violence (mostly robberies) has increased in the areas affected by the war due to the presence of armed groups; and has also increased in urban areas where there is a concentration of poor populations which have been most affected by Nicaragua's Structural Adjustment Programme. Moreover, a great deal of the governance problems stem from the vulnerability of citizen righis. The Government has assigned greater budgetary resources which will permit the obligatory service of law students throughout the country (one year, without which they could not graduate); however, there is a need for housing and decent office space for the new judges.

1/ This Fact Sheet reflects the status of the project/revision at the time it was approved by the Action Committee; difications to the project/revision may have occurred subsequently.

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At their 12th Summit Meeting held in Managua on 4-5 June 1992, the Central American Presidents committed themselves to preserve peace and democracy through strengthening of their Rule of Law institutions, particularly the judicial and electoral branches; and requested the support of the international community for this purpose. Nicaragua is likely to be chosen as headquarters of the Central American Supreme Court of Justice due to its commitment to strengthen the judiciary branch of government.

Description of project

The immediate objectives of the project are to: strengthen the judicial system in the 150 poorest municipalities most affected by the war in order to further promote national consensus and national reconciliation towards a market economy with private sector participation; (b) focus on increasing judicial efficiency and effectiveness through an improved capacity of local judges and legal aides, contributing to the resolution of land property litigation, decreasing judicial delays, increasing the participation of universities in the judicial system, and contributing to peace without which development will not be possible; (c) deal with judicial functions at the municipal level, and act as catalysts for national reconciliation and the defense/protection of human rights; and (d) operate in areas of concentration of war-displaced populations and refugees where National Reconstruction Plan projects and the Programme for Displaced Persons, Refugees and Returnees (PRODERE) are located.

Project activities will include: (a) resolution of land property conflicts; (b) control of local criminal violence; (c) formulation of strategies for the promotion of human rights; and (d) training 150 law graduates and 300 legal aides in coordination with universities to prepare them for their obligatory social service as local judges, train forensic personnel, set-up 150 local judgeships that meet the standards of the Nicaraguan Supreme Court and ILANUD, provide technical assistance to update judicial legislation, improve registration of realty and commercial property, and equip 228 civil judgeships, 7 Appeals Courts, registers of realty and commercial property, the Forensic Medicine Institute, and 23 penitentiaries.

Inputs

UNDP will provide international consultants (12 work-months); administrative support; a national coordinator, national consultants; subcontracts for the production and dissemination of information/civic and human rights campaigns; fellowships, study tours, and in-service training; and equipment relating to physical infrastructure and transport which is needed to enable the upgrading of judicial institutions.

Financial data

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Personnel	503 000
Training	960 000
Subcontract	45 000
Equipment	6 069 000
Miscellaneous	123 000
Total	7 000 000